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AP/The Indianapolis Star photos | **Charles Nye**

CHEERS: Opponents of HJR-3 celebrate outside the Indiana House of Representatives as the 52-43 vote striking the second sentence from the proposed constitutional amendment on marriage was announced during second reading in the House in Indianapolis on Jan. 27, 2014.

Senate Rules Committee to hear HJR3 Monday

Supporters hope to re-add second sentence

By Rob Burgess
Tribune night editor

INDIANAPOLIS — On Monday, the Senate Rules Committee is set to hear HJR3, the controversial proposed constitutional amendment banning gay marriage, upon adjournment of the full session in Senate Chambers at the Indiana Statehouse. To get to this point, HJR3 has taken a long, contentious and, oftentimes, circuitous route. The resolution, which was previously titled HJR6, was moved Jan. 21 from the House Judiciary Committee, which heard hours of testimony before recessing without a vote.

“[Speaker Brian Bosma (R-Indianapolis) said] that this is so important that he believes that this needs to be heard by the entire Assembly,” said Tory Flynn, communications director for Speaker Bosma, in a phone interview last month. “The Speaker wanted it to be voted upon by the entire general assembly. [The Judiciary Committee] believed [they] couldn’t make that happen because [they] couldn’t get it out of committee. So, the speaker reassigned the bill.”

The measure was then approved Jan. 22 as the House Elections and Apportionment Committee voted 9-3 in favor of the ban, sending it to the full House of Representatives. Then, another wrinkle presented itself Jan. 27 as the House approved an amendment, by a 52-43 vote, to strike HJR3’s second sentence. The version of the amendment which is now headed to the Indiana Senate’s Judiciary Committee, and was approved by a 57-40 vote Jan. 28, stipulates “only marriage between one man and one woman shall be

valid or recognized as a marriage in Indiana.” What was lost was the second sentence, which states “that a legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized.”

This second sentence is crucial to backers of HJR3’s original language as the current incarnation of HJR3 leaves open the possibility of same-sex civil unions in the future. It is also critical because this change pushes back the date the amendment could be voted upon by Hoosier voters until 2016.

“Indiana’s constitutional amendment process requires the same measure be approved in two consecutive two-year sessions of the General Assembly [to] be placed on the ballot for consideration by voters,” reported the Associated Press on Jan. 28.

Although the Senate could potentially re-add this second sentence, its previous deletion has caused frustration with HJR3’s backers, including Gov. Mike Pence.

“We’re discouraged that the House made this move,” said Micah Clark, executive director of the pro-amendment group the American Family Association of Indiana, in a phone interview Saturday. “As we look at what the Senate is going to do ... we certainly hope the Senate will restore that

second sentence so Hoosiers can vote on it this fall. I think there will be a marriage amendment passed this year, by the end of the session, but whether or not it's meaningful, and whether or not it lets the people decide, and whether or not it leaves it in the hands of politicians and judges is a big issue."

For its part, Freedom Indiana, the main opposition group to HJR3, celebrated the deletion of this second sentence, but said it would maintain its vigilance.

"Stripping the deeply flawed second sentence makes a bad amendment better, but we believe this amendment, in any form, has no place in our state's founding document," stated Megan Robertson, campaign manager, in a Jan. 27 press release. "Still, we are incredibly grateful to lawmakers for removing this dangerous language from the amendment and standing up for gay and lesbian Hoosiers and their families. ... We will continue to work hard to make sure the amendment stays off the November ballot. That's not the place to have this conversation, and it never will be."

Clark said his group wanted to have the issue decided "for once and for all" by Hoosier voters.

"The other side does not want to accept the will of the people," he said. "If

they really wanted to embarrass us, they would step aside and let this go to ballot and then defeat us in the fall, but they're working feverishly to defeat it."

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